

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMPLOYERS INSURANCE COMPANY OF WAUSAU, :

15cv4175 (DLC)

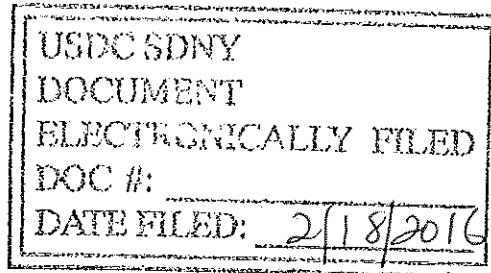
Plaintiff, :

ORDER

-v- :

HARLEYSVILLE PREFERRED INSURANCE
COMPANY, THE TRAVELERS INDEMNITY
COMPANY, and THE ELECTRICAL EMPLOYERS
SELF INSURANCE SAFETY PLAN, :

Defendants. :
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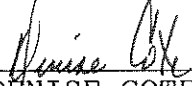
DENISE COTE, District Judge:

On December 4, 2015, the parties' cross motions for summary judgment on the duty to defend were fully submitted. On February 17, 2016, Employers Insurance Company of Wausau ("Wausau") submitted a letter requesting that the Court consider newly-submitted deposition testimony of Timothy Delaney in connection with Wausau's motion. On February 18, Travelers Property Casualty Company of America ("Travelers") and Harleysville Preferred Insurance Company ("Harleysville") submitted letters requesting that the Court reject the new evidence as untimely submitted. Travelers also requested permission to respond within ten days if the Court were to consider Wausau's proffered evidence. Accordingly, it is hereby

ORDERED that Travelers' request to submit additional briefing is denied. If the Court determines that the newly-

submitted evidence is material to an issue raised in Wausau's motion, it will separately order additional briefing on the issue.

Dated: New York, New York
February 18, 2016



DENISE COTE
United States District Judge